



PATENT
Attorney Docket No. 06267.0124-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
David DIN BELLE et al.) Group Art Unit: 1625
Application No.: 10/510,019) Examiner: C. Aulakh
Filed: May 31, 2005) Confirmation No.: 8626
For: POLYCYCLIC COMPOUNDS AS)
POTENT ALPHA2-)
ADRENOCEPTOR)
ANTAGONISTS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In the restriction requirement dated March 17, 2008, the period for response having been extended to May 17, 2008, by a request for a one-month extension of time and fee payment filed concurrently herewith, the Examiner required restriction under 35 U.S.C. § 121 between the following Groups I through IX:

Group I - Claims 1-28, 30-33, 36, 37 and 39, drawn to compounds of formulae I, IA, IB, IC, or ID, where Z represents a single bond, and X represents NR₂, pharmaceutical compositions containing these compounds and methods of treatment using these compounds.

Group II - Claims 1-28, 30-33, 36, 37 and 39, drawn to compounds of formulae I, IA, IB, IC, or ID, where Z represents -CHR₈-(CH₂)_n-, n is 0, and X represents NR₂, pharmaceutical compositions containing these compounds and methods of treatment using these compounds.

Group III - Claims 1-28, 30-33, 36, 37 and 39, drawn to compounds of formulae I, IA, IB, IC, or ID, where Z represents $-\text{CHR}_8-(\text{CH}_2)_n-$, n is 1, and X represents NR_2 , pharmaceutical compositions containing these compounds and methods of treatment using these compounds.

Group IV - Claims 1-28, 30-33, 36, 37 and 39, drawn to compounds of formulae I, IA, IB, IC, or ID, where Z represents a single bond, and X represents O or S, pharmaceutical compositions containing these compounds and methods of treatment using these compounds.

Group V - Claims 1-28, 30-33, 36, 37 and 39, drawn to compounds of formulae I, IA, IB, IC, or ID, where Z represents $-\text{CHR}_8-(\text{CH}_2)_n-$, n is 0, and X represents O or S, pharmaceutical compositions containing these compounds and methods of treatment using these compounds.

Group VI - Claims 1-28, 30-33, 36, 37 and 39, drawn to compounds of formulae I, IA, IB, IC, or ID, where Z represents $-\text{CHR}_8-(\text{CH}_2)_n-$, n is 1, and X represents O or S, pharmaceutical compositions containing these compounds and methods of treatment using these compounds.

Group VII - Claims 1-28, 30-33, 36, 37 and 39, drawn to compounds of formulae I, IA, IB, IC, or ID, where Z represents a single bond, and X represents CR_2R_2 , pharmaceutical compositions containing these compounds and methods of treatment using these compounds.

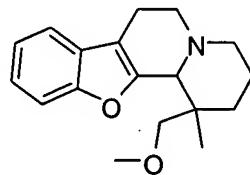
Group VIII - Claims 1-28, 30-33, 36, 37 and 39, drawn to compounds of formulae I, IA, IB, IC, or ID, where Z represents $-\text{CHR}_8-(\text{CH}_2)_n-$, n is 0, and X represents CR_2R_2 , pharmaceutical compositions containing these compounds and methods of treatment using these compounds.

Group IX - Claims 1-28, 30-33, 36, 37 and 39, drawn to compounds of formulae I, IA, IB, IC, or ID, where Z represents $-\text{CHR}_8-(\text{CH}_2)_n-$, n is 1, and X represents CR_2R_2 , pharmaceutical compositions containing these compounds and methods of treatment using these compounds.

Applicants provisionally elect to prosecute Group V, claims 1, 3, 4-6, 9-15, 17-22, 32, and 33, drawn to compounds of formulae I or IA where Z represents $-\text{CHR}_8-(\text{CH}_2)_n-$, n is 0, and X represents O or S, pharmaceutical compositions containing these

compounds and methods of treatment using these compounds. Applicants respectfully point out that claims 2, 7, 8, 16, 23-25, 26-28, 30, 31, 36-37, and 39 included in Group V by the Examiner do not include the claim limitations: "where Z represents -CHR₈-(CH₂)_n-, n is 0, and X represents O or S." Accordingly, those claims should be properly grouped in Group V.

The Examiner also required election of a species to be examined. Applicants provisionally elect the compound of Example 43, 1-methoxymethyl-1 α -methyl-1,3,4,5,6,11b β -hexahydro-2H-11-oxa-4a-aza-benzo[α]fluorene. This compound, represented by the formula below, is believed to read on at least claims 1, 3, 9, 11-15, 17, 19, 20, 22, and 33.



Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 14, 2008

By: Erin M. Sommers

Erin M. Sommers
Reg. No. 60,974
(202) 408-4000